

Appn. No. 09/885,415
Amdt/Rsp filed Dec. 12, 2005 with RCE
replying to Office Action mailed June 10, 2005

PATENT
Customer No. 22,852
Attorney Docket No. 7451.0038-00
Intertrust Ref. No. IT-41.1

REMARKS / ARGUMENTS

By this Amendment, Applicants respond to the Office Action dated June 10, 2005 ("the Office Action"), in which claims 1-20 were rejected. With this Amendment, Applicants have canceled claims 3-10 without prejudice or disclaimer, amended claims 1 and 11, and added claims 21-28. Accordingly, claims 1-2 and 11-28 are pending in this application.

In the Office Action, the Examiner (i) rejected claims 1-17, 19 and 20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,035,037 to Chaney ("Chaney"); and (ii) rejected claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Chaney as applied to claim 15 and further in view of U.S. Patent No. 6,771,657 to Eistermann ("Eistermann").

Rejection of Claims 1-17, 19 and 20 under 35 U.S.C. § 102(b)

Claims 1-17, 19 and 20 were rejected under 35 U.S.C. § 102(b) as being unpatentable over Chaney. Applicants respectfully disagree with the rejection, and submit that the pending claims are patentable over Chaney for at least the reasons set forth below.

With regard to claim 1, although Applicants maintain that the system recited in claim 1 is fundamentally different from that described in Chaney for the reasons presented in Applicants' previous responses, Applicants have nevertheless amended claim 1 to further distinguish Chaney.

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In particular, claim 1, as amended, recites that the retrofitting appliance is connected to the output of the electronic appliance—the same output that is designed to be coupled to an output device for presenting content to a user. Chaney fails to teach this or any similar system. In particular, to the extent the Examiner has mapped the retrofitting appliance recited in Applicants' claims to the smartcard described in Chaney, Applicants respectfully point out that Chaney's smartcard is apparently coupled to, e.g., a consumer electronic device via a dedicated smart card reader, not via the same output used to connect the consumer electronic device to an output device such as a display, speakers, or the like for presenting content to a user. Instead, a separate output is used for that purpose. In contrast, the retrofitting appliance recited in Applicants' claim 1 is able be connected to the same output of the electronic appliance that is used to connect to an output device for presenting content to the user.

For at least this additional reason, Applicants respectfully submit that claim 1, as amended, is patentable over Chaney.

Claim 2 is dependent from claim 1, and is thus allowable for at least the reasons set forth above in connection with claim 1.

With regard to claims 3-10, although Applicants respectfully disagree with the rejection of these claims, in order to expedite prosecution of the remaining claims Applicants have canceled claims 3-10 without prejudice or disclaimer. Accordingly, the rejection of claims 3-10 is now moot.

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With regard to claim 11, although Applicants maintain that the system recited in this claim is fundamentally different from the system described in Chaney for reasons similar to those presented in Applicants' previous responses, Applicants have nevertheless amended claim 11 to further distinguish Chaney.

In particular, claim 11, as amended, recites that the retrofitting appliance is connected to the output of the fixed content delivery channel—the same output to which a rendering device is configured to be connected. Chaney fails to teach this or any similar system. In particular, to the extent the Examiner has mapped the retrofitting appliance recited in Applicants' claims to the smartcard described in Chaney, Applicants respectfully point out that Chaney's smartcard is apparently coupled to, e.g., a consumer electronic device via a dedicated smart card reader, not via the same output used to connect the device to a rendering device such as a display, speakers, or the like. Instead, a separate output is used for that purpose. In contrast, the retrofitting appliance recited in Applicants' claim 11 is able to be connected to the same output of the fixed content delivery channel that is used to connect to a rendering device for presenting the content to a user.

For at least this additional reason, Applicants respectfully submit that claim 11, as amended, is patentable over Chaney.

Claims 12-17, 19 and 20 are dependent from claim 11, and are thus allowable for at least the reasons set forth above in connection with claim 11.

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Rejection of Claim 18 under 35 U.S.C. § 103(a)

Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Chaney as applied to claim 15 and further in view of Eistermann. However, claim 18 is ultimately dependent from claim 15, and is thus patentable for at least the reasons set forth above in connection with claim 15. Applicants therefore respectfully request that the Examiner withdraw this rejection.

New Claims 21-28

New claims 21-28 have been added to round out the scope of protection for Applicants' invention. Each of claims 21-28 is supported by the specification and drawings as originally filed, and no new matter has been added.

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CONCLUSION

In view of the foregoing remarks, Applicants submit that the pending claims are in allowable form, and respectfully request reconsideration of the rejections and timely allowance of the claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: December 12, 2005

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